

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JOSEPH GUGLIELMO,

Plaintiff,

-v-

CYCLE GEAR, INC.,

Defendant.

CIVIL ACTION NO.: 20 Civ. 5924 (JPO) (SLC)

ORDER TO SHOW CAUSE

SARAH L. CAVE, United States Magistrate Judge:

On August 31, 2020, Plaintiff filed proof of service that indicated the Summons and Complaint was served on July 31, 2020, with Defendant's Answer due on August 21, 2020. (ECF No. 6). The Court ordered Plaintiff to initiate default proceedings after no answer or response was filed on the docket. (ECF No. 7). Plaintiff obtained a Certificate of Default as to defendant (ECF No. 13), but requested an extension of time until October 9, 2020 to file a motion for default. (ECF No. 11).

To date, no motion for default has been filed and Plaintiff has not requested an extension of time to do so. Accordingly, Plaintiff is ORDERED to show cause as to why this case should not be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. Such showing shall be made by affidavit or declaration filed on or before **October 27, 2020**. Plaintiff is warned that failure to comply with this Order may in itself result in dismissal of this action. As a response to this order, Plaintiff may also file a Motion for Default Judgment in accordance with the Individual Practices of the Honorable J. Paul Oetken, Rule 55 of the Federal Rules of Civil Procedure, and S.D.N.Y. Local Rule 55.

Dated: New York, New York
October 13, 2020

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge